

# **Exhibit A**

**From:** [Molly Biklen](#)  
**To:** [Weiss, Dara \(Law\)](#); [Jacobs, Elissa \(Law\)](#); [Robinson, Amy \(LAW\)](#); [Lax, Joshua \(Law\)](#)  
**Cc:** [wood](#); [Sow-Legal](#); [sierrateam@moskovitzlaw.com](#); [Payne Litigation Team](#); [AG-NYPDLitigation](#); [Andrew Stoll](#); [Nelson, Genevieve \(Law\)](#); [Weng, Jenny \(Law\)](#)  
**Subject:** RE: New York City Policing During Summer 2020 Demonstrations, 20-CV-8924 -- 30(b)(6) Witnesses  
**Date:** Wednesday, October 20, 2021 5:50:00 PM

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Dara,

I'm following up on my Monday afternoon request for a meet and confer, as well as to clarify the deponents identified for the first notice. With respect to Chief Stephen Hughes and Inspector Dowling, are you designating them on Topic 6 as well as on the development of policies and procedures relating to chain of command, police operations, use of force, etc. in Amended Topic 1?

For ease of reference, Topic 6 is -- The organizational structure of and chain of command within the NYPD, including both typical chain of command and the chain of command that was operative during the NYPD's response to racial justice protests that took place between May 28, 2020 and January 13 31, 2021 (including the Summer 2020 Protests), including, but not limited to, policies, practices, and procedures related to: The roles of an Incident Commander at a protest or demonstration; circumstances under which an Incident Commander is assigned or not assigned; factors to be considered related to the determination as to whether to assign an Incident Commander; and when the highest ranking Uniformed Member of the Service is or is not the Incident Commander with respect to a particular incident.

Defendants also agreed to produce witnesses on Topic 7. See ECF No. 268, Sept. 20 Tr. at 34. Topic 7 is-- The policies, procedures, and practices followed by the Mayor, the Mayor's Office, and the New York City Department of Investigation for overseeing, reviewing, and/or monitoring the NYPD's policing of demonstrations or protests, including, but not limited to, the Summer 2020 Protests, and the enforcement of the Curfew Orders at the Summer 2020 Protests. Please identify the deponent for Topic 7.

We request a meet and confer on this as well as the topics in the second 30(b)(6) notice on Friday between 11-1 or Monday, 2-4.

Thanks,  
Molly

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**From:** Weiss, Dara (Law) <daweiss@law.nyc.gov>  
**Sent:** Monday, October 18, 2021 1:38 PM  
**To:** Molly Biklen <mbiklen@nyclu.org>; Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Lax, Joshua (Law) <jlax@law.nyc.gov>  
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Genevieve (Law) <gnelson@law.nyc.gov>; Weng, Jenny (Law) <jweng@law.nyc.gov>

**Subject:** RE: New York City Policing During Summer 2020 Demonstrations, 20-CV-8924 -- 30(b)(6) Witnesses

Defendants will be offering the following 30(b)(6) witnesses for the first 30(b)(6) notice:

Chief Stephen Hughes from Patrol and Inspector Gerard Dowling from SRG will testify with respect to; chain of command during a protest; use of force and impact/less lethal weapons during a protest; police operations including safety, traffic, disorder control, encirclement, etc. during a protest; LT Christopher Czark from CJB will testify with respect to arrest processing/MAPC procedures during a protest; and

Asst. Comm. Carrie Talansky from Legal will testify with respect to the curfew orders, essential workers, legal observers, and making arrests pursuant to the curfew order; 1st 4th and 14th amendment principles applicable during a protest.

We are still deciding on the most appropriate witness for the racial profiling and implicit bias related topics, and will so advise.

Defendants have not yet decided on witnesses for the second notice, which, upon information and belief, was not required to be provided by the October 8<sup>th</sup> date.

Best,  
Dara

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**From:** Molly Biklen <[mbiklen@nyclu.org](mailto:mbiklen@nyclu.org)>

**Sent:** Monday, October 18, 2021 12:52 PM

**To:** Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>; Jacobs, Elissa (Law) <[ejacobs@law.nyc.gov](mailto:ejacobs@law.nyc.gov)>; Robinson, Amy (LAW) <[arobinso@law.nyc.gov](mailto:arobinso@law.nyc.gov)>; Lax, Joshua (Law) <[jlax@law.nyc.gov](mailto:jlax@law.nyc.gov)>

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**Subject:** [EXTERNAL] RE: New York City Policing During Summer 2020 Demonstrations, 20-CV-8924 -- 30(b)(6) Witnesses

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Counsel,

I am following up on my email from last week. Defendants have failed to identify their 30(b)(6) witnesses in accordance with the schedule and have not responded with respect to a meet and confer. Accordingly, it appears that we are at an impasse as to Defendants' failure to meet this deadline and we will be forced to seek assistance from the Court.

Regards,

**Molly K. Biklen**

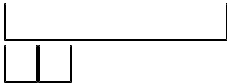
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**From:** Molly Biklen

**Sent:** Wednesday, October 13, 2021 4:06 PM

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**Subject:** New York City Policing During Summer 2020 Demonstrations, 20-CV-8924 -- 30(b)(6) Witnesses

Counsel,

I am writing to follow up on the identification of 30(b)(6) witnesses for plaintiffs' First and Second 30(b)(6) notices. On September 20, the Court ordered Defendants to identify their 30(b)(6) witnesses to plaintiffs by October 8. See Tr. at 38 ("Ms. Weiss, it seems to me if I give you two weeks from Friday, there's no reason you couldn't figure out who's going to be your witnesses on these topics. . . . So October 8 tell them who we're talking about. . . ."). The parties then agreed to this date and incorporated it into their proposed scheduling order to the Court. See ECF No. 274. We have

not received any of Defendants' proposed 30(b)(6) witnesses. Please identify the 30(b)(6) witnesses and which topics they will address. If Defendants do not intend to provide the list of witnesses this week, please let me know immediately so that we can arrange a time to meet and confer.

Thank you,

**Molly K. Biklen**

Deputy Legal Director

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